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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,672

10/17/2005

Neil Hugh Forsyth Speed

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EXAMINER

NOVOSAD, JENNIFER ELEANORE

ART UNIT

PAPER NUMBER

3637

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/523,672	<b>Applicant(s)</b> SPEED ET AL.	
	<b>Examiner</b> Jennifer E. Novosad	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/523,672.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/10/2005</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This Office action is in response to the application filed October 17, 2005 and the preliminary amendment filed February 1, 2005 by which claims 1, 3, 5-10, 13, and 16 were amended and claims 18 and 19 were canceled.

#### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/523,672, filed on October 17, 2005.

#### ***Abstract***

Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" in line 6, should be avoided.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 2, 5-13, and 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "the plane of an adjacent rear section" in lines 3-4 of claim 1 lacks proper antecedent basis in the claim and thus the structural relationship between the elements is unclear.

Regarding claim 1 (see line 5), the word "means" is preceded by no words in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967). This rejection is also applicable to the recitation "detent means" in claim 2, "means" in line 2 of claims 8 and 10 and line 3 of claim 9, "such means" in claims 11 and 12, and "convenient means" in claim 15.

In claim 1, line 6, the recitations "further attachment" and "further section" render the claim indefinite since it is unclear what structure defines these elements.

The structural relationship between the elements, i.e., the lower bridge, the front portions, and the lower edges, in lines 7-8 of claim 1, is unclear and thus the metes and bounds of the claim cannot be properly ascertained. *Further*, the recitation "the lower edges" in line 8 lacks proper antecedent basis.

In the last line of claim 1, the recitation "the rear sections" renders the claim indefinite. In particular, it is unclear how one element, i.e., a front section, can be coplanar with plural elements, i.e., the rear sections (emphasis added).

The term "firmly" in claim 2 is a relative term which renders the claim indefinite, especially since the product is not being positively claimed. This rejection is also applicable to the recitation "suitable" in line 3 of claim 8 (see also line 2 of claim 14).

Claim 5 is rendered indefinite by the language thereof. *Thus*, it is unclear what is meant by the recitation "respective areas". This rejection is also applicable to claim 6 (see line 2).

It is unclear what structure defines "such parts" (see line 3 of claim 6) and thus the metes and bounds of the claim cannot be properly ascertained. Further, the phrase "at least during use" renders the claim indefinite because it is unclear whether the limitation(s) preceding the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The term "convenient" in line 2 of claim 7 (see also line 3 of claim 8 and line 2 of claims 15 and 17) renders the claim indefinite since this term has not been defined by the claim. *Further*, the recitation "as described above" in the last line of the claim renders the claim indefinite since it is unclear what structure is being defined and thus the metes and bounds of the claim cannot be ascertained. This rejection is also applicable to the term "appropriate" in line 2 of claim 17.

The recitations "the loaded display device" and "its length" in lines 2 and 3, respectively, of claim 8 lack proper antecedent basis in the claim. *Further*, use of the phrase "may be" renders the claim indefinite since what "may be" to one, "may not be" to another and thus the metes and bounds cannot be ascertained.

In claim 9, line 2, "the stepped arrangement" lacks proper antecedent basis. *Similarly*, "its head" and "display apparatus" in claim 10 lacks proper antecedent basis.

Claim 11 is rendered indefinite since the language "by" is awkward.

Claim 12 is rendered indefinite since it is unclear what is meant by "r" at the end of line 1.

Claim 13 is rendered indefinite by the language "where" in line 2. *Further*, it is unclear what structure defines "further attachment means". *Furthermore*, the word "means" is preceded by attachment in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. *Finally*, the recitations "the perforations" and "the intermediate flat section" lack antecedent basis.

The recitation "of the type" in line 1 of claim 14 renders the claim indefinite since it is unclear what is being defined.

The recitation "adjacent cuts... cut between" in lines 6-7 of claim 14 renders the claim indefinite since the structural relationship between the elements is unclear. *Further*, the recitations "the leading and" and "the trailing end" in lines 7 and 8, respectively, lack antecedent basis. *Furthermore*, it is unclear what structure is being defined by the recitations "each area of sheet" in lines 8, 10, and 12 and "second remaining region" in lines 14-15.

Claim 14 is rendered indefinite by the recitation "nearest portion edge" in lines 9-10 and 11 since the structural relationship between the elements is unclear.

Regarding claim 17, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

*Allowable Subject Matter*

Claims **1** and **14** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action; claims 2, 5-13; 15, and 17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action; and claims 3, 4, and 16 are objected to as being dependent upon a rejected base claim.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Novosad whose telephone number is 571-272-6832. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

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like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer E. Novosad/  
Primary Examiner  
Art Unit 3637

June 25, 2008